

Applicant: Hinz
Serial No.: 10/066,855
Group Art Unit: 1712

REMARKS

Claims 1-20 remain in the application with claim 1 in independent form.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuyper US Patent No. 4,826,952 in view of WO 00/74843 to Bauer.

The Examiner is directed to two attachments showing the Assignment Recordations for the present application and application Serial No. 09/324,271, which is cited by the Examiner. As the Examiner will note, the applications were subject to common ownership and assignment at the time of the filing of the invention and the inventive entities, while containing some common inventors, are different. Thus, under 35 U.S.C. §103(c), the cited reference WO 00/74843 and the published U.S. equivalent to 002/0006864 is not available as a reference for citation by the Examiner.

The base reference, Kuyper et al., '952, discloses use of a double metal cyanide catalyst in conjunction with at least two additional components. The first is one or more salts composed of at least bivalent metal ions and metal-free anions having a solubility in water of least 1 g/100 ml at 25⁰C, and one or more no-metal containing acids of which a 0.1 N solution in water at 25⁰C. has a pH not exceeding 3. The double metal cyanide disclosed in the primary '952 reference is unlike that of the present invention as claimed in claim 1. Thus, the subject matter of claim 1 of the present invention, and the claims which depend therefrom, are not obvious in view of Kuyper et al.

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Therefore, it is believed that the §103(a) rejection is overcome and claims 1-20 should be allowed.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

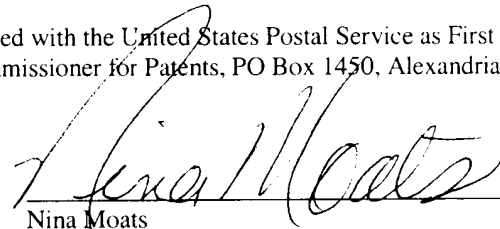


Randall L. Shoemaker, Reg. No. 43,118
Howard and Howard Attorneys, P.C.
The Pinehurst Office Center, Suite 101
39400 Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0442

August 19, 2003
Date

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on August 19, 2003.


Nina Moats